

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UDODIRI CLEMENT EZE,

Plaintiff,

v.

PUBLIX SUPER MARKETS, INC.,

Defendant.

CIVIL ACTION NO.:
1:12-cv-04058-WSD-AJB

DEFENDANT'S FIRST AMENDED INITIAL DISCLOSURES

COMES NOW, Publix Super Markets, Inc. ("Publix"), by and through its counsel of record, hereby submits its Rule 26(a)(1) First Amended Initial Disclosures to Plaintiff as follows:

1. If Defendant is improperly identified, state Defendant's correct identification and state whether Defendant will accept service of an amended summons and complaint reflecting the information furnished in this disclosure response.

RESPONSE: N/A.

2. Provide the names of any parties whom Defendant contends is a necessary party to this action, but who has not been named by Plaintiff. If Defendant contends that there is a question of misjoinder of parties, provide the

reasons for Defendant's contention.

RESPONSE: N/A.

3. Provide a detailed factual basis for the defense or defenses and any counterclaims or cross claims asserted by Defendant in the responsive pleading.

RESPONSE: Publix hired Plaintiff on November 2, 2009 and discharged him on August 15, 2011. Plaintiff had several performance issues throughout his employment. Publix eventually made the lawful decision to discharge Charging Party after he repeatedly lied about how he obtained confidential and proprietary electronic information without proper authority or access. Any claims of discrimination or retaliation by Plaintiff are baseless

4. Describe in detail all statutes, codes, regulations, legal principles, standards and customs or usages, and illustrative case law which Defendant contends are applicable to this action.

RESPONSE: Publix contends that Title VII and Section 1981 and interpretative regulations and case law are applicable to this action.

5. Provide the name and, if known, the address and telephone number of each individual likely to have discoverable information relevant to disputed facts alleged with particularity in the pleadings, identifying the subjects of the information.

RESPONSE:

- a. Christopher Kelley
c/o Raanon Gal, Esquire

Mr. Kelley has information regarding some of Plaintiff's allegations in his Complaint, conversations with Plaintiff regarding his employment and some of Publix's employment policies.

- b. Josh Farnsworth
c/o Raanon Gal, Esquire

Mr. Farnsworth has information regarding some of Plaintiff's allegations in his Complaint, conversations with Plaintiff regarding his employment and some of Publix's employment policies.

- c. Neil Garrett
c/o Raanon Gal, Esquire

Mr. Garrett has information regarding some of Plaintiff's allegations in his Complaint, conversations with Plaintiff regarding his employment and some of Publix's employment policies.

- d. Martha Angel Sadowitz
c/o Raanon Gal, Esquire

Ms. Sadowitz has information regarding interactions with Plaintiff and conversations with Plaintiff regarding his employment.

- e. Jeff Stephens
c/o Raanon Gal, Esquire

Mr. Stephens has information regarding his interactions with Plaintiff and conversations with Plaintiff regarding his employment.

- f. Bernaul Fluellen
c/o Raanon Gal, Esquire

Ms. Fluellen has information regarding food safety at Publix and the Quality Assistant Department Manager position.

- g. Custodian of Records for Michigan State University and other Universities attended by Plaintiff.
- h. Custodian of Records for Hormel and other previous employers of Plaintiff.
- i. Custodian of Records for Dr. Lewis Kola and Dr. Lewis Kola.

New Horizons Counseling Center, Inc.
6000 Live Oak Parkway, Suite 100
Norcross, GA 30093

- j. Bradley Moschak and Gene Povolny

- k. Wilhemena Abbey

222 Lenox Circle
Douglasville, GA 30135

Ms. Abbey has information regarding her interactions with Plaintiff and her work history at Publix.

- l. All witnesses listed by Plaintiff in his initial disclosures and written Discovery responses.
6. Provide the name of any person who may be used at trial to present evidence under Rules 702, 703, or 705 of the Federal Rules of Evidence. For all experts described in F.R.Civ.P. 26(a)(2)(B), provide a separate written report satisfying the provisions of that rule.

RESPONSE: Publix has not yet made a determination as to any expert it may use at the trial of the present case. Publix reserves the right to supplement or amend this response at a later date.

7. Provide a copy of, or description by category and location of, all documents, data compilations, and tangible things in your possession, custody, or control that are relevant to disputed facts alleged with particularity in the pleadings.

RESPONSE:

- a. Store and Corporate Personnel Files of Plaintiff
- b. Time cards and pay records of Plaintiff
- c. Publix Full-time Associate Handbook
- d. Publix's Rules of Unacceptable Conduct.
- e. Plaintiff's EEOC charge and other documents submitted to the EEOC by Plaintiff.
- f. All document produced by Defendant in Discovery or documents used as Exhibits in Plaintiff's deposition.
- g. Plaintiff's transcripts and school records.
- h. Relevant subpoenaed documents from Hormel and John Morrell and Co.

- i. All documents produced by Plaintiff in discovery.
- j. Documents from Plaintiff's DOL charge and any documents submitted to the DOL by Plaintiff.

8. In the space provided below, provide a computation of any category of damages claimed by you. In addition, include a copy of or describe by category and location of, the documents or other evidentiary material, not privileged or protected from disclosure, on which such computation is based, including materials bearing on the nature and extent of injuries suffered, making such documents or evidentiary material available for inspection and copying under F.R.Civ.P. 34.

RESPONSE: None.

9. If Defendant contends that some other person or legal entity is, in whole or in part, liable to the Plaintiff or Defendant in this matter, state the full name, address, and telephone number of such person or entity and describe in detail the basis of such liability.

RESPONSE: N/A.

10. Attach for inspection and copying as under F.R.Civ.P. 34 any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in this action or to indemnify or reimburse for payments to satisfy the judgment.

RESPONSE: None.

CERTIFICATE OF COMPLIANCE

Pursuant to Local Rule 7.1(D), the undersigned counsel for Defendant certifies that the pleading has been prepared in Times New Roman, 14-point type, which is one of the font and point selections approved by the Court in Local Rule 5.1(B).

DATED this 7th day of November, 2013.

FORDHARRISON^{LLP}
271 17th Street, NW
Suite 1900
Atlanta, GA 30363
Telephone: (404) 888-3800
Facsimile: (404) 888-3863

/s/ Raanon Gal

Raanon Gal
Georgia Bar No. 100281
rgal@fordharrison.com

Attorney for Defendant
Publix Super Markets, Inc.

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CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that on November 7th, 2013, he electronically filed the foregoing **DEFENDANT'S FIRST AMENDED INITIAL DISCLOSURES**, with the Clerk of Court using the CM/ECF System which will automatically send e-mail notification of such filing to the attorney of record:

Jamie G. Miller, Esq.
Law Office of Jamie G. Miller
3399 Peachtree Road, NE, Suite 400
Atlanta, Georgia 30326

FORDHARRISON^{LLP}
271 17th Street, NW
Suite 1900
Atlanta, GA 30363
Telephone: (404) 888-3800
Facsimile: (404) 888-3863

/s/ Raanon Gal

Raanon Gal
Georgia Bar No. 100281
rgal@fordharrison.com
Attorney for Defendant
Publix Super Markets, Inc.